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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/786,965	02/25/2004	Dan Aharoni	EMC-02-132CIP1

Robert Kevin Perkins, Esq.  
 EMC Corporation  
 Office of the General Counsel  
 176 South Street  
 Hopkinton, MA 01748



CONFIRMATION NO. 4123

## FORMALITIES LETTER



\*OC000000012695981\*

Date Mailed: 05/18/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450

06/12/2004 BARBRAHAI 00000041 050889 10786965 Alexandria VA 22313-1450

01 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

*Alvin*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



# TRANSMITTAL FORM

		Application No.:	10/786,965
		Filing Date:	February 25, 2004
		First Named Inventor:	Dan Aharoni, et al
		Group Art Unit	2186
		Examiner:	Not Yet Assigned
		Customer No.	24227
Total Number of Pages in this Submission:		Docket No.	EMC-02-132CIP1

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Authorizing the Commissioner to charge Deposit Account No. 05-0889 (in duplicate)	<input checked="" type="checkbox"/> Response to Notice to File Missing Parts of Nonprovisional Application	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)]
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Decl.	<input checked="" type="checkbox"/> Declaration/Power of Attorney <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application	<input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Extension of Time Request for 1(one) Month	<input type="checkbox"/> Revocation of Power of Attorney	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Issue Fee Payment on USPTO Form PTOL-85B, "Part B—Issue Fee Transmittal"	<input checked="" type="checkbox"/> Certificate of First Class Mailing
<input checked="" type="checkbox"/> Assignment Recordation Cover Sheet	<input type="checkbox"/> Formal Drawings, labeled <input type="checkbox"/> Letter/Transmittal to Official Draftsperson <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review <input type="checkbox"/> Status Inquiry	<input type="checkbox"/> Certificate of Express Mail Mailing <input checked="" type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Postcard <input type="checkbox"/> Additional Enclosures:
<input type="checkbox"/> Certified Copy of Priority Document(s)		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

August 9, 2004

Date

Tel: (508) 293-6985  
Fax: (508) 293-7189

Robert Kevin Perkins, Esq. (Reg. No. 36,634)  
EMC Corporation  
Office of the General Counsel  
176 South Street  
Hopkinton, MA 01748

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

I hereby certify that this correspondence and above-referenced enclosures are being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: : Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) .

August 9, 2004

Date

Signature

Sandra A. Kulaga

Typed or printed name of person signing certificate

# FEE TRANSMITTAL

## For FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$280.00)**Complete if Known**

Application Number	10/786,965
Filing Date	February 25, 2004
First Named Inventor	Dan Aharoni, et al
Examiner Name	Not Yet Assigned
Art Unit	2186
Attorney Docket No.	EMC-02-132CIP

AUG 11 2004

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit Card  Money  Other  None  
Order
 Deposit Account

Deposit Account Number	05-0889
Deposit Account Name	EMC Corporation

## The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2004	80	Provisional filing fee	
		<b>SUBTOTAL (1) (\$0.00)</b>			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Independent Claims	Multiple Dependent	Fee from below		
			Extra Claims	Fee Code	Fee (\$)
			-20** =	18.00	X
			-3** =	86.00	X

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
		<b>SUBTOTAL (2) (\$0.00)</b>			

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2520	1812	2520
1804	920*	1804	920*
1805	1840*	1805	1840*
1251	110	2251	55
1252	420	2252	210
1253	950	2253	475
1254	1480	2254	740
1255	2010	2255	1005
1401	330	2401	165
1402	330	2402	165
1403	290	2403	145
1451	1510	1451	1510
1452	110	2452	55
1453	1330	2453	665
1501	1330	2501	665
1502	480	2502	240
1503	640	2503	320
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	770	2809	385
1810	770	2810	385
1801	770	2801	385
1802	900	1802	900
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
		<b>SUBTOTAL (3) (\$280.00)</b>	

**SUBMITTED BY**

Complete (if applicable)

Name (print/Type)	Robert Kevin Perkins	Registration No. (Attorney/Agent)	36,634	Telephone	508-293-6985
Signature	Robert Kevin Perkins			Date	11-15-04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT  
EMC-02-132CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Dan Aharoni, et al	GROUP ART UNIT:	2186
U.S.S.N.:	10/786,965	EXAMINER:	Not Yet Assigned
FILING DATE:	February 25, 2004	CUSTOMER NO.:	24227
TITLE:	<b>SYSTEM AND METHOD FOR SIMULATING PERFORMANCE OF ONE OR MORE DATA STORAGE SYSTEMS WITH UTILIZATION INPUT</b>		

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 9, 2004.

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF A NONPROVISIONAL APPLICATION**

Sir:

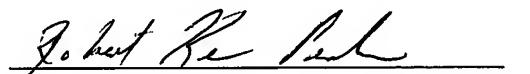
This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed May 18, 2004. A Declaration and Power of Attorney executed by inventors Dan Aharoni, Amnon Naamad, Sachin More, Kenneth Goguen, Xiaoyan Wei, Maureen Lally and Dimitar Petkov Gueorguiev accompanies this Response.

Applicant: Dan Aharoni, et al  
U.S.S.N. 10/786,965  
Filing Date: February 25, 2004  
Atty. Docket No.: EMC-02-132CIP1

It is requested that all fees occasioned by this submission be charged to Deposit Account No. 05-0889. In the event the Examiner deems personal contact desirable in disposition of this case, the Examiner is invited to call the undersigned attorney at (508) 293-6985.

Respectfully submitted,

Dated: August 9, 2004

  
\_\_\_\_\_  
Robert Kevin Perkins (Reg. No. 36,634)  
Attorney for Applicant  
EMC Corporation  
176 South Street  
Hopkinton, MA 01748  
Tel: 508.293.6985  
Fax: 508.293.7189